

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE: BAYER CORP. COMBINATION
ASPIRIN PRODUCTS MARKETING AND
SALES PRACTICES LITIGATION

THIS PLEADING RELATES TO:

ALL CASES

09-md-2023 (BMC)(JMA)

COGAN, District Judge

**DECLARATION OF TRICIA M. SOLORZANO ON BEHALF OF SETTLEMENT
ADMINISTRATOR REGARDING NOTICE AND ADMINISTRATION**

I, TRICIA M. SOLORZANO, declare:

1. I am employed as a case manager by Gilardi & Co. LLC (“Gilardi”), located at 3301 Kerner Blvd., San Rafael, California. Gilardi was retained as the Claims Administrator in this case, and as the case manager, I oversaw the administrative services provided. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto. I submit this Declaration at the request of Plaintiffs’ Counsel regarding the *Bayer Corp. Combination Aspirin Products Marketing & Sales Practices Litigation*. Case No. 09-MD-2023, notice and administration program. Counsel has asked Gilardi to provide detail about the notice and administration program to date.

2. On May 25, 2012, Gilardi mailed notice of the proposed class action settlement of this matter, pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1711 et seq. (“CAFA Notice”), to the United States Attorney General and the Attorneys General of all fifty States and the District of Columbia. In addition to the letter, a CD containing the documents listed on the letter in a PDF format was included in the mailing to each recipient. To date, we have had no objections from service of that CAFA Notice.

3. True and correct copies of the Settlement Notice, Postcard Notice, and Claim Form are attached hereto as Exhibits A, B, and C, respectively. In doing so, I reviewed the Court's Preliminary Approval Order entered on July 23, 2012 and the Stipulation and Agreement of Class Action Settlement and Release ("Settlement Agreement") entered into by the parties. The notice plan in this case complied with these documents and the relevant Court orders.

4. Gilardi, through its in-house advertising agency, Larkspur Design Group ("LDG"), caused the Summary Notice to be published in the following media outlets: *AARP Bulletin* in October 2012; *Cooking Light* in the November 2012 issue; *Good Housekeeping* in the November 2012 issue; *People Magazine* in their October 1 and October 8, 2012 issues; *Reader's Digest* in the October 2012 issue; *TIME Magazine* in their October 2012 issue, *Women's Day* in their November 2012 issue; *USA Today* on September 10, 17, 24, October 1, 8, 15, 22, and 29, 2012; *The Wall Street Journal* on September 7, 2012, *The National Enquirer* on October 1, 8, 15 and 22, 2012, *The Smithsonian Magazine* in their November 2012 issue; and a press release to PR Newswire on September 7, 2012 and November 1, 2012. A true and correct copy of the Summary Notice is attached hereto as Exhibit D.

5. Additionally, Gilardi, through LDG utilized sponsored links and text ads through Google, Yahoo and Bing, Facebook, Google, and contextual banners through PulsePoint to provide Internet notice of the settlement beginning on September 7, 2012. To date, the implemented Notice plan has generated the following statistics:

A. Sponsored Link Advertising

- i. 1,297,251 impressions

B. Display Advertising

- i. 15,426,009 impressions

C. Contextual Banners

ii. 5,000,394 impressions

6. On or before June 13, 2012, Gilardi caused a copy of the Class Notice to be posted on our website at www.BayerCombinationAspirinSettlement.com. Here, Class Members can view and print copies of the Long-Form Notice, Postcard Notice, Preliminary Approval Order, Settlement Agreement, Master Complaint, and consult Frequently Asked Questions. Class members can also file an electronic claim on the website.

7. On or before September 7, 2012 Gilardi caused a Postcard Notice to be mailed to 454,036 mailing addresses using data received from Wal-Mart's Sam's Club. On or before September 10, 2012, Gilardi caused a Postcard Notice to be mailed to 62,898 mailing addresses using data received from BJ's Wholesale Club. On or before November 5, 2012, Gilardi caused Notice to be mailed to 49,686 mailing addresses using data received from Safeway.

8. To date, Gilardi has received a total of 54,641 Postcard Notices returned by the United States Postal Service with undeliverable addresses. Of those returned Postcard Notices, 49,180 are unique Class Members. To date, Gilardi has performed a "skip trace" search on 49,123 Class Members and found 30,637 new addresses. Gilardi then re-mailed Postcard Notices to the updated addresses.

9. On or before May 8, 2012, Gilardi established a toll free telephone number, 1-877-257-5766, that Class Members could call and listen to Frequently Asked Questions and request a Claim Form and Notice packet. To date, Gilardi has received 6,098 calls.

10. The postmark deadline for submitting a Claim Form is April 29, 2013. To date, Gilardi has received 1,469 mailed Claim Forms.

11. The submission deadline for submitting a Claim online is April 29, 2013. To date, Gilardi has received 15,759 online Claims.

12. The postmark deadline for submitting a Request for Exclusion was December 20, 2012. To date, Gilardi has received 32 timely Requests for Exclusion.

13. The postmark deadline for submitting an Objection is February 5, 2013. To date, Gilardi has received no Objections.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this 18th day of January, 2013, at San Rafael, California.



Tricia M. Solórzano